

**From:** "Kavanaugh, Brett M."  
**To:** "Houser, Molly M."  
**Subject:** FW: Reminder: Judge Alito Moots starting on Tuesday  
**Sent:** Mon, 5 Dec 2005 07:09:12 -0500  
[Alito Mooter assignment scheduleWH111705.doc](#)

[for my schedule](#)

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**From:** Persinger, John M.  
**Sent:** Monday, December 05, 2005 7:09 AM  
**To:** Brosnahan, Jennifer R.; Dixon, Grant; Fahrenkopf, Leslie; Friedrich, Dabney; Gerry, Brett C.; Hoyt, Robert F.; Klingler, Richard D.; Mitnick, John M.; Painter, Richard W.; Rao, Neomi J.; Kavanaugh, Brett M.; Burck, Bill; Yanes, Raul F.  
**Cc:** Miers, Harriet; Kelley, William K.; Roebke, Heather M.; Drummond, Michael; Stone, Carla B.; Houser, Molly M.  
**Subject:** Reminder: Judge Alito Moots starting on Tuesday

Judge Alito's moot preparations begin on Tuesday. Attached is the schedule. They will be held at DOJ in Room 4525, except for the all day moot on Tuesday the 20th, which will be at the White House.

We will be coordinating transportation to and from DOJ.

Please let me know if you are a mooter and do not have a current DOJ badge.

Thank you

**December 6 - Tuesday**

9:30 a.m. – 1:00 p.m.

Topics:

- 1) General advice concerning the hearing
- 2) Jurisprudence (including judicial philosophy; *stare decisis*; role of foreign law)
- 3) Art. III issues (including mootness; ripeness; standing; political questions)

Mooters:

Judicial Philosophy: [Kristi Macklin + Brett Kavanaugh]

*Stare decisis*: [Rachel Brand + Brett Kavanaugh]

Role of foreign law: [Rachel Brand]

Art. III issues: [Bill Kelley]

**December 7 - Wednesday**

9:30 a.m. – 1:00 p.m.

Topics:

Federalism (including commerce clause; state sovereign immunity/11thA; §5 14thA; 9thA & 10thA)

Mooters:

Commerce Clause: [Rachel Brand + Brent McIntosh]

State sovereign immunity/11thA, Congress's power under section 5 of the 14<sup>th</sup>A: [Brett Gerry]

9thA, 10thA, and general Federalism questions: [Bob Hoyt]

**December 8 - Thursday**

9:30 a.m. – 1:00 p.m.

Topics:

Substantive Due Process/unenumerated rights (including abortion and end-of-life issues)

Mooters:

Abortion: [Kristi Macklin + Brett Gerry]

Gay rights + end-of-life issues: [Ryan Bounds]

Evolution of Constitution/implied rights: [Kyle Sampson]

**December 9 - Friday**

9:30 a.m. – 1:00 p.m.

Topics:

- 1) Separation of Powers
- 2) Personal Record Issues (e.g., USAO, OLC, OSG, recusals)

Mooters:

Deference to Congress: [Rachel Brand]

Deference to Executive: [Raul Yanes]

Congress' role vis-à-vis the Executive Branch: [DOJ MOOTER]

Ethics (including recusals): [Richard Painter]

**December 13 - Tuesday**

9:30 a.m. – 1:00 p.m.

Topics:

Civil Rights (including Equal Protection; other gender issues (Title VII, Title IX); other race issues (Title VII, voting rights); ADA; ADEA

Mooters:

Gender issues (Title VII, Title IX, equal protection): [Kristi Macklin]

Disability and age discrimination (ADA, ADEA): [Leslie Fahrenkopf]

Voting rights: [Brad Schlozman]

Other race issues (Title VII, equal protection): [Jenny Brosnahan]

**December 14 - Wednesday**

9:30 a.m. – 1:00 p.m.

Topics:

War powers, war on terror, enemy combatants, related topics

Mooters:

Executive power generally, including war powers and executive override: [Ben Powell + Steve Bradbury]

Enemy combatants: [Raul Yanes]

War on terrorism, including FISA and immigration authority: [Rachel Brand]

**December 15 – Thursday**

9:30 a.m. – 1:00 p.m.

Topics:

1) Criminal Law and Procedure (including 4<sup>th</sup> A; 5<sup>th</sup> and 6<sup>th</sup> A; death penalty; habeas; 8<sup>th</sup> A; sentencing)

2) Misc. topics (including 2<sup>nd</sup> A; antitrust; environment)

Mooters:

4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> Amendments: [Bill Burck]

Death Penalty + 8<sup>th</sup> A: [Neomi Rao]

Sentencing and other criminal law topics + 2<sup>nd</sup> Amendment: [Brent McIntosh]

Antitrust + Environment: [Richard Klingler]

**December 16 – Friday**

9:30 a.m. – 1:00 p.m.

Topics:

1) First Amendment (including speech; press; religion)

2) Takings

Mooters:

Speech (including obscenity) and Press: [Rachel Brand]

Free Exercise + role of religion in judging: [Ben Powell]

Establishment Clause: [Dabney Friedrich]

Takings: [Kristi Macklin]

LUNCH – 1:00-2:00 p.m.

2:00 – 5:00 p.m.

[Outside Experts]  
Moot by Outside experts (2 hours)  
Follow-up with DOJ & WH

Outside Mooters: [TBD]

**December 19 – Monday**

9:30 a.m. – 1:00 p.m.

Topics:

Substantive Due Process II  
Jurisprudence II  
Separation of Powers II

Mooters:

Substantive Due Process II: [Kristi Macklin]  
Jurisprudence II: [Gordon Todd]  
Separation of Powers II: [Steve Bradbury]

**December 20 - Tuesday**

9:30 a.m. – 9:00 p.m.

9:30 am	Specter	Richard Hertling
10:00 am	Leahy	Bob Hoyt
10:30 am	Hatch	Ryan Bounds
11:00 am	Kennedy	Kyle Sampson
11:30 am	Grassley	Dabney Friedrich
12:00	LUNCH	
1:00 pm	Biden	Raul Yanes
1:30pm	Kyl	Beth Cook
2:00 pm	Kohl	Richard Klingler
2:30 pm	DeWine	Jennifer Brosnahan
3:00 pm	Feinstein	Neomi Rao
3:30 pm	Sessions	Jamil Jaffer
4:00	BREAK	
4:30 pm	Feingold	Kristi Macklin
5:00 pm	Graham	Brent McIntosh
5:30 pm	Schumer	Rachel Brand
6:00 pm	Cornyn	Leslie Fahrenkopf
6:30	DINNER	
7:30 pm	Durbin	Ben Powell
8:00 pm	Brownback	Gordon Todd

8:30 pm      Coburn      Grant Dixon

9:00            END

**January 3 - Tuesday**

9:30 a.m. – 12:30 p.m.

Topics:

[Outside Experts]

Moot by outside experts (2 hours)

Follow-up with DOJ & WH

Mooters: [TBD]

**January 4 – Wednesday**

9:30 a.m. – 1:00 p.m.

Topics:

1) Federalism II

2) Civil Rights II

3) Substantive Due Process III

Mooters:

Federalism: [Rachel Brand]

Civil Rights: [Brad Schlozman]

Substantive Due Process: [Grant Dixon]